UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,218	10/13/2004	Petrus Henricus Cornelius Bentvelsen	NL 020305	4578

24737 7590 04/27/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
SHIFERAW, ELENI A	
ART UNIT	PAPER NUMBER
2436	
MAIL DATE	DELIVERY MODE
04/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,218	BENTVELSEN ET AL.	
	Examiner	Art Unit	
	ELENI A. SHIFERAW	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Pursuant to USC 131, claims 1-24 are examined and pending.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/2008 has been entered.

3. The petition request filed on 12/8/09 to revive the current application abandoned on 5/11/09 is granted on 2/18/10 since the petition satisfies the requirements of 37 CFR 1.137(b).

Claim Objections

4. Claim 18 is objected to because of the following informalities: The apparatus claim 18 is dependent on the method claim 8. Appropriate correction is required.

Specification

5. The disclosure is objected to because of the following informalities: The specification fails to provide proper antecedent basis for the claimed subject matter **"A computer readable medium"** for claims 21 and 22. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Appropriate correction is required.

Response to Arguments

6. Applicant's amendments and arguments have been fully considered and arguments are moot in view of new ground of rejection is generated herein.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-16 are rejected under 35 U.S.C. 101 because they are not statutory. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The record carrier having table content (in the preamble) as recited in the claim(s) could be done on a paper and the paper with handwritten table and information.

9. Claims 21-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims, "A computer readable medium" according to, In re Nuijten, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) August 24, 2009; p. 2., the Office recognizes that applicants may have claims directed to computer readable media that cover signal per se, which the Office must reject under 101 as covering both non-statutory subject matter and statutory subject matter. see Cf. Animals-Patentability,

1077 Off. Gaz. Pat. Office 24 (April 21, 1987) on how to properly amend to overcome the current rejection.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-4, 12-14, 17, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooch US PG Pubs. 2003/0086566 A1. in view of Oshima et al. US 5805551 A.

Regarding claims 1, 17 and 23 Gooch teaches a method/apparatus/program of detecting a copy amongst at least one record carrier **(see par. 0001; methods of copy detection; copy control; copy restriction on a CD data carrier)** having a table of contents **(see par. 0018; protection of an original CD against extraction of data using copying equipment, such as CD and CD-R, by MANIPULATING DISC TABLE OF CONTENTS [TOC] …)**, the method comprising acts of mastering a non-standard table of contents on an original record carrier **(par. 0018 and claim 12; discloses deliberately writing the starting address of the source data lead-out incorrectly[mastering] in the TOC and manipulating [mastering] the TOC, much in advance of the actual starting address of the lead-out thus preventing normal playing of the disc using PC based players which are often programmed to prevent access to data on the disc**

beyond the starting address of the lead-out … the first set of data), a standard table of contents indicating that the corresponding at least one record carrier is a copy **(claim 13; TOC correctly specifies a starting address of the source data on the CD when copy; Gooch's CD player changes the modified address on the TOC that was a non-standard table of content [i.e. incorrectly modified TOC on the first data set] to a correct starting address of the source data on the CD that is standard way, second data set. THE CORRECTED STARGING ADDRESS OF THE SOURCE DATA DOES INDICATE COPYING. see par. [0006] THE SECOND DATA SET BEING PROVIDED TO ENABLE MODIFICATIONS MADE OR MODIFICATIONS THAT OTHERWISE WOULD BE MADE TO THE FIRST DATA SET TO GENERATE THE INTERMEDIATE DATA SET UPON COPYING OF SAID SIGNAL BY THE EQUIPMENT…)**.

Applicant argues in the remark submitted on 12/8/09 that the Gooch does not teach mastering a non-standard table of contents on a record carrier to indicate that the record carrier is not a copy. Examiner's disagrees with applicant's contention because no where in the claims recited the mastering is to indicate the record carrier is not a copy. (what the applicant claimed is mastering a non-standard table of contents on an original record carrier, a standard table of contents indicating that the corresponding at least one record carrier is a copy). However if one believes that such limitation is understood in the recited claims, Gooch on claims 9-10 discloses the CD carrier having a first and second data set of a digital data signal and the CD carrier to be treated incorrectly as a carrier of another type. One ordinary skill in the art understands that the signal of the first and second data set are used to discriminate and identify the type of the CD carrier as original

or copied not original CD carrier using the first and second set of data signals on the TOC. Nevertheless, the examiner herein provides Oshima et al. reference for argued limitation below.

Oshima et al. teaches using information of TOC to identify if the CD is original CD or not original (copy) **(see figs. 6 element 533, fig. 7 elements 471t & 471u, 12, 14A-C, 16, 37, 72, col. 23 lines 42-60)**.

Therefore one would have been motivated at the time of the invention was made to modify the teachings of Gooch to identify the type of the CD carrier weather it is original or copy CD to detect and protect copy using TOC. (Applicant is also advised to take a look at col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5 of US 6801490 B1 to see the argued subject matter is well known.)

Regarding claims 12, and 19 Gooch teaches the method/apparatus of using a read-out of at least one record carrier having a table of contents for indicating whether the at least one record carrier is authorized and wherein a non-standard table of contents are mastered on authorized record carriers, the method comprising acts of:

reading said table of contents **(see par. 0018, 0006 and claim 1; modifying TOC by changing starting address of the lead-out and protecting copy via reading the TOC)**,

checking if said table of contents in a is standard or non-standard **(see claims 9-10 and par. 0018 and 0006; the modified TOC is checked and changed to correct address)**, and

outputting a signal indicating if said table of contents in the is standard or non-standard **(see claims 9-10 and par. 17-21 and 0006; the modified TOC is checked and changed back to correct address when copying and a copy signal is generated in order to copy data to the CD and make the player compatible)**, a standard table of contents indicating that the record carrier is not authorized and a non-standard table of contents indicating that the record carrier is authorized. **(claim 13 and par. 0006, 0017-0027; the TOC on the first set of data is modified to control access to unauthorized user data modification and changing the modified address on the TOC for protection to correct address indicating and allowing authorized copy).**

Applicant argues in the remark submitted on 12/8/09 that the Gooch does not teach mastering a non-standard table of contents on a record carrier to indicate that the record carrier is not a copy. Examiner's disagrees with applicant's contention because no where in the claims recited the mastering is to indicate the record carrier is not a copy. (what the applicant claimed is … a standard table of contents indicating that the record carrier is not authorized and a non-standard table of contents indicating that the record carrier is authorized). However if one believes that such limitation is understood in the recited claims, Gooch on claims 9-10 discloses the CD carrier having a first and second data set of a digital data signal and the CD carrier to be treated incorrectly as a carrier of another type. One ordinary skill in the art understands that the signal of the first and

second data set are used to discriminate and identify the type of the CD carrier as original or copied not original CD carrier using the first and second set of data signals on the TOC. Nevertheless, the examiner herein provides Oshima et al. reference for argued limitation below.

Oshima et al. teaches using information of TOC to identify if the CD is original CD or not original (copy) **(see figs. 6 element 533, fig. 7 elements 471t & 471u, 12, 14A-C, 16, 37, 72, col. 23 lines 42-60)**.

Therefore one would have been motivated at the time of the invention was made to modify the teachings of Gooch to identify the type of the CD carrier weather it is original or copy CD to detect and protect copy using TOC. (Applicant is also advised to take a look at col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5 of US 6801490 B1 to see the argued subject matter is well known.)

Regarding claim 2, Gooch discloses the method wherein a sequence of table of entries on the original record carrier is mixed up compared to the standard sequence **(see par. 0018 and par. 0006)**.

Regarding claim 3, Gooch discloses the method wherein a number of repetitions of table of content entries on the original record carrier is varied compared to the standard number of repetitions **(par. 0018, 0033-0036 and claim1).**

Regarding claim 4, Gooch discloses the method wherein said table of content entries are

only in a predetermined area on said original record carrier mastered in a detectable non-standard way **(0018, 0060, 0006, 0010, 0034-0035 and fig. 2).**

Regarding claim 13, Gooch discloses the method wherein a unique identifier uniquely identifying said record carrier read from said record carrier is only outputted if said table of content entries is non-standard **(0006, 0018, 0060, 0006, 0010, 0034-0035 and fig. 2)**.

Regarding claim 14, Gooch discloses the method wherein copying of said record carrier is prevented if said table of content entries is non-standard **(0006, 0018-0019, claim 12 and 0033-0035).**

12. Claims 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooch in view of Sako USPN 6801490 B1.

Regarding claim 21, Gooch teaches a computer readable medium having a table of contents **(see par. 0018; the CD carrier having TOC)** wherein the computer readable medium is determined to be a copy and said table of contents is non-standard **(claim 13; TOC correctly specifies a starting address of the source data on the CD when copy; Gooch's CD player changes the modified address on the TOC that was a non-standard table of content [i.e. incorrectly modified TOC on the first data set] to a correct starting address of the source data on the CD that is standard way, second data set. THE CORRECTED STARGING ADDRESS OF THE SOURCE DATA**

DOES INDICATE COPYING. see par. [0006] THE SECOND DATA SET BEING PROVIDED TO ENABLE MODIFICATIONS MADE OR MODIFICATIONS THAT OTHERWISE WOULD BE MADE TO THE FIRST DATA SET TO GENERATE THE INTERMEDIATE DATA SET UPON COPYING OF SAID SIGNAL BY THE EQUIPMENT… par. 0018 and claim 12; discloses deliberately writing the starting address of the source data lead-out incorrectly[mastering] in the TOC and manipulating [mastering] the TOC, much in advance of the actual starting address of the lead-out thus preventing normal playing of the disc using PC based players which are often programmed to prevent access to data on the disc beyond the starting address of the lead-out … the first set of data … for copy protection).

Gooch fails to explicitly disclose wherein the computer readable medium is determined to be a copy if said table of contents is standard and an original if said table of contents is non-standard.

However Sako discloses using information stored in a table of content (TOC) of a CD to discriminate whether the disk is original optical disc or the copied optical disc (col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Gooch's TOC data copyright protection system that discriminates correct with incorrect CD using non-standard and standard way for coping to discriminate and indicate whether the disc is original or copy to properly control content.

13. Claims 16, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over C-DILLA WO 00/74053 A1. in view of Furukawa USPN 4641295. and Sako USPN 6801490 B1.

Regarding claims 16 and 20 GIDILLA teaches a method/apparatus of producing a read-out **(page 3 lines 1-13)** of a record carrier **(fig. 1)** on which subcode data is stored in subcode frames of a subcode channel **(page 6 lines 23-35 and fig. 2)**, each subcode frame comprising synchronization symbols and data symbols **(fig. 3; *s0 s1, s0 s1*)** at predetermined positions within said subcode frame **(fig. 2 and 3)**, the method comprising acts of:

reading out said subcode channel **(page 7 lines 14-33);**

checking if additional synchronization symbols are stored to at least one subcode frame at positions provided for data symbols **(see page 7 lines 4-page 8 lines 26 and fig. 3-5; tracks with the S0,S1 and S0,S1 on starting on new track or ending current track the first and/or second sync S0,S1 is/are checked)**; and

outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame **(see page 8 lines 3-page 9 lines 36; starting/ending the next track is based on the first and/or second sync signals S0 and S1 outputted)**.

C-DILLA fails to explicitly teach absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original.

However Furukawa et al. discloses adding additional plurality of SYNC pulses FS that have specific predetermined bit pattern like DC-restriction bits RB and DB in a data stream ONE FRAME consisting of 588 bits of audio data music tracks of record **(see figs. 1-2)**. The additional plurality of SYNC patterns are added TO GENERATE AND INDICATE A CHECK SIGNAL for the Frame with the plurality of music tracks **(see col. 2 lines 46-68, col. 3 lines 9-65 and figs. 3-4)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of C-DILLA to add additional sync pattern in the packet to generate a check signal in order to perform any intended check, e.g. to see if the CD is original copy or not.

The combination fails to explicitly teach the check signal is for indicating whether the record carrier is original or copy.

However Sako discloses using information stored in a table of content (TOC) of a CD to discriminate whether the disk is original optical disc or the copied optical disc **(col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify C-DILLA and the additional check signal indicator of Furukawa et al. to indicate if the CD is original or copy to enhance the system of copy control.

Regarding claim 22 GIDILLA teaches a computer readable medium on which subcode data is stored in subcode frames of a subcode channel **(page 6 lines 23-35 and fig. 2)**, each subcode frame comprising synchronization symbols **(fig. 3; *s0 s1, s0 s1 and col. 7 lines 4-33*)** and data symbols at predetermined positions within said subcode frame **(fig. 2 and 3)**, and at least one subcode frame comprising a number of additional synchronization symbols are assigned and stored to at positions provided for data symbols **(fig. 3; *s0 s1, s0 s1*)**,

wherein during read-out of a record carrier of said subcode channel **(page 7 lines 14-33)**, a check signal can be generated in response to detection of said additional synchronization symbols **(see page 7 lines 4-page 8 lines 26 and fig. 3-5; tracks with the S0,S1 and S0,S1 on starting on new track or ending current track the first and/or second sync S0,S1 is/are checked).**

C-DILLA fails to explicitly teach absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original.

However Furukawa et al. discloses adding additional plurality of SYNC pulses FS that have specific predetermined bit pattern like DC-restriction bits RB and DB in a data stream ONE FRAME consisting of 588 bits of audio data music tracks of record **(see figs. 1-2)**. The additional plurality of SYNC patterns are added TO GENERATE AND INDICATE A CHECK SIGNAL for the Frame with the plurality of music tracks **(see col. 2 lines 46-68, col. 3 lines 9-65 and figs. 3-4)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of C-DILLA to add additional sync pattern in the packet to generate a check signal in order to perform any intended check, e.g. to see if the CD is original copy or not.

The combination fails to explicitly teach the check signal is for indicating whether the record carrier is original or copy.

However Sako discloses using information stored in a table of content (TOC) of a CD to discriminate whether the disk is original optical disc or the copied optical disc **(col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify C-DILLA and the additional check signal indicator of Furukawa et al. to indicate if the CD is original or copy to enhance the system of copy control.

14. Claims 5-6, 8-11, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooch US Pub. 2003/0086566 A1 and Oshima and further in view of C-DILLA WO 00/74053 A1.

Regarding claims 15, Gooch is silent about additional synchronization symbols and checking synchronization symbols. However, C-DILLA discloses method/apparatus of read-out **(page 3 lines 1-13)** of a record carrier **(fig. 1)** on which subcode data are stored in subcode frames of a subcode channel **(page 6 lines 23-35 and fig. 2)**, each

subcode frame comprising synchronization symbols **(fig. 3; *s0 s1, s0 s1*)** and data symbols at predetermined positions within said subcode frame **(fig. 2 and 3)**,

reading-out of said subcode channel **(page 7 lines 14-33)**,

checking if additional synchronization symbols are stored to at least one subcode frame at positions provided for data symbols **(see page 7 lines 4-page 8 lines 26 and fig. 3-5; tracks with the S0,S1 and S0,S1 on starting on new track or ending current track the first and/or second sync S0,S1 is/are checked)**, and

outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame (see page 8 lines 3-page 9 lines 36; **starting/ending the next track is based on the first and/or second sync signals S0 and S1 outputted**).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of C-DILLA within the teachings of Gooch because they are analogous in copy protection and to protect copy rights.

Regarding claims 5, 11, and 18, Gooch is silent about additional synchronization symbols and checking synchronization symbols. However, C-DILLA discloses the method further comprising the steps of: storing subcode data on said original record carrier in subcode frames of a subcode channel **(page 3 lines 1-13 and fig. 1)**, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame **(fig. 3)**, and assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions provided for data symbols **(fig. 3; *s0 s1, s0 s1*)** and generating during read-out of said subcode

channel a check signal can be generated indicating the presence or absence of said additional synchronization symbols **(see page 8 lines 3-page 9 lines 36; starting/ending the next track is based on the first and/or second sync signals S0 and S1 outputted)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of C-DILLA within the teachings of Gooch because they are analogous in copy protection and to protect copy rights.

Regarding claim 6, C-DILLA discloses the method comprising storing a unique identifier uniquely identifying said record carrier in said subcode frames and outputting said unique identifier is only outputted if said check signal indicates the presence of additional synchronization symbols within said subcode frames **(page 3 lines 18-22 and page 4 lines 31-35; starting/ending the next track is based on the first and/or second sync signals S0 and S1 outputted).** The rational for combining are the same as claim 5 above.

Regarding claim 8, C-DILLA discloses method wherein additional synchronization symbols are stored at the end of each subcode frame **(fig. 3).** The rational for combining are the same as claim 5 above.

Regarding claim 9, C-DILLA discloses the method wherein said subcode frames are part of a subcode Q-channel, as defined in the Red Book for CD audio or in the Yellow Book for CD-ROM **(page 5 lines 18-22 and page 10 lines 2-9).** The rational for combining are the same as claim 5 above.

Regarding claim 10, C-DILLA discloses the method wherein said data symbols stored in said subcode frames comprise a unique identifier and error correction data and wherein said additional synchronization symbols are stored to said at least one subcode frame on the cost of said unique identifier or said error correction data (page 7 lines 4-12 and fig. 3). The rational for combining are the same as claim 5 above.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooch US Pub. 2003/0086566 A1 in view of Oshima and further in view of C-DILLA WO 00/74053 A1. Furukawa USPN 4641295. and Sako USPN 6801490 B1.

Regarding claim 7, the combination of fails to explicitly disclose the method comprising an act of preventing copying of said record carrier if said check signal indicates the absence of additional synchronization symbols in said subcode frames.

However Furukawa et al. discloses adding additional plurality of SYNC pulses FS that have specific predetermined bit pattern like DC-restriction bits RB and DB in a data stream ONE FRAME consisting of 588 bits of audio data music tracks of record **(see figs. 1-2)**. The additional plurality of SYNC patterns are added TO GENERATE AND INDICATE A CHECK SIGNAL for the Frame with the plurality of music tracks control **(see col. 2 lines 46-68, col. 3 lines 9-65 and figs. 3-4)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of C-DILLA to add additional sync pattern in the packet to generate a check signal in order to perform any intended check, e.g. to see if the CD is original copy or not.

The combination fails to explicitly teach copy preventing if the check signal indicates the absence of additional synchronization symbols in said subcode frames.

However Sako discloses using information stored in a table of content (TOC) of a CD to discriminate whether the disk is original optical disc or the copied optical disc and copy prevention **(col. 5 lines 14-24 and col. 9 lines 65-col. 10 lines 5 and col. 12 lines 50-65)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify C-DILLA and the additional check signal indicator of Furukawa et al. to indicate if the CD is original or copy to enhance the system of copy control.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Primary Examiner, Art Unit 2436